

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 06-03011-01-CR-S-DW
)	
DAVID L. SANDS,)	
)	
Defendant.)	

ORDER

The matter is before the Court on the Motion of the United States for a Preliminary Order of Forfeiture. Count Nine of the Superseding Indictment in this Case sought forfeiture of \$4,653 in United States currency seized from the defendant on August 18, 2005, and \$19,560¹ in United States currency seized from the defendant on December 23, 2005.

On December 22, 2006, Defendant David L. Sands entered into a plea agreement wherein he agreed to plead guilty to Counts One and Nine of the Superseding Indictment and to forfeit to the United States the \$4,653.00 and \$19,460.00 in United States currency identified in Count Nine of the Superseding Indictment. (Doc. 104 ¶¶ 2-3.)

The Court has determined, based upon the evidence set forth in the plea agreement, that the United States has established the requisite nexus between the described property and the Counts to which Defendant pled guilty.

¹ After the Superseding Indictment was returned, the United States discovered that two \$50 bills among the \$19,560.00 in United States currency seized from Defendant David L. Sands on December 23, 2005, were counterfeit. Consequently, the amount sought for forfeiture in the United States' motion for the December 23, 2005 seizure is \$19,460.00.

By virtue of the plea agreement, the United States is now entitled to a Preliminary Order of Forfeiture and to possession of the property pursuant to 21 U.S.C. § 853(n).

Accordingly, it is hereby ORDERED:

1. Based upon the plea agreement and the criminal forfeiture count of the Superseding Indictment, the \$4,653 in United States currency seized from Defendant on August 18, 2005, and \$19,460 in United States currency seized from Defendant on December 23, 2005 is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n).

2. Upon Entry of this Order, the United States Attorney General or his designee is authorized to seize the above-described property in accordance with Fed. R. Crim. P. 32.2(b)(3).

3. Pursuant to 21 U.S.C. § 853(n), the United States Marshals Service shall publish at least once for three successive weeks in a newspaper of general circulation, notice of this ORDER, notice of the United States' intent to dispose of the property in such a manner as the Attorney General may direct, and notice that any person, other than the Defendant David L. Sands, having or claiming a legal interest in the above-described property must file a petition with the Court (and serve a copy on Robyn L. McKee, Assistant United States Attorney), within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of this Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified.

4. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall be come final as to the Defendant at the time of sentencing (or before if the Defendant consents) and shall be part of the sentence and included in the judgment.

Date: January 31, 2007

/s/ DEAN WHIPPLE
Dean Whipple
United States District Court